



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,341	11/25/2003	Simon Korowitz	102314-0157	6549
21125	7590	05/19/2006	EXAMINER	
NUTTER MCCLENNEN & FISH LLP WORLD TRADE CENTER WEST 155 SEAPORT BOULEVARD BOSTON, MA 02210-2604			PHAN, RAYMOND NGAN	
			ART UNIT	PAPER NUMBER
			2111	

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/722,341	Applicant(s) KOROWITZ ET AL.	
	Examiner Raymond Phan	Art Unit 2111	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 2,3,5-7,9-11,14,16,21,22,27,28,33 and 34 is/are rejected.
- 7) ☒ Claim(s) 4,8,12,13,15,17-20,23-26,29-32 and 35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Part III DETAILED ACTION

Notice to Applicant(s)

1. This action is responsive to the following communications: response filed on March 1, 2006.
2. This application has been examined. Claims 2-35 are pending.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 2-3, 5-7, 9-11, 14, 16, 21-22, 27-28, 33-34 are rejected under 35 U.S.C. § 102(e) as being anticipated by Di Giulio et al. (US No. 5,390,351).

In regard to claims 2, 27, Di Giulio et al. disclose a control system comprising a plurality of field devices 220 (see figure 6); at least one of the field devices providing a control function 310 within the control system (see col. 4, lines 65-67), the second function control 310 including controlling one or more devices (see col. 4, lines 65-67); computing device 210 providing a first control function 310 within the control system (see figure 6), the first control function 310 including controlling at least the field device 220 that providing second control function 310 (see figure 6); the computing device including a control subsystem 510 comprising a bus 230 a plurality of modules 220 that coupled to the bus (see figure 6); at least a first module comprising a controller (see col. 4, lines 65-67); at

least the second module interfacing with the field device (see col. 4, lines 65-67); at least a third module interface to the field device that provides the second control function (see col. 4, lines 65-67).

In regard to claims 3, 7, 11, 16, 21, Di Giulio et al. disclose a control system comprising a plurality of field devices 220 (see figure 6); at least one of the field devices providing a control function 310 within the control system (see col. 4, lines 65-67), the second function control 310 including controlling one or more devices (see col. 4, lines 65-67); computing device 210 providing a first control function 310 within the control system (see figure 6), the first control function 310 including controlling at least the field device 220 that providing second control function 310 (see figure 6); the computing device including a control subsystem 510 comprising a bus 230 a plurality of modules 220 that coupled to the bus (see figure 6); at least a first module comprising a controller (see col. 4, lines 65-67); at least the second module interfacing with the field device (see col. 4, lines 65-67); at least a third module interface to the field device that provides the second control function (see col. 4, lines 65-67); wherein the computing device 210 downloading programs and data to the control system (see col. 22, line 59 through col. 23, line 3).

In regard to claim 5, Di Giulio et al. disclose at least one of the field device comprising a sensor 22 (see figure 1).

In regard to claims 6, 10, Di Giulio et al. disclose wherein the bus is a multidrop bus (see col. 7, lines 61-65).

In regard to claim 14, Di Giulio et al. disclose the second function module executing the program for process control (see col. 31, line 42 through col. 32, line 12).

In regard to claims 22, 28, Di Giulo et al. disclose the function module control (i.e. interface logic) (see col. 32, lines 14-56).

In regard to claim 33, Di Giulo et al. disclose the second function module controlling the third function module (see col. 31, line 42 through col. 32, line 12).

In regard to claim 34, Di Giulo et al. disclose the second control device 510 controlling further modules 220 (see figure 6).

Allowable Subject Matter

5. Claims 4,8,12-13, 15, 17-20, 23-26, 29-32, 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Amendment

6. Applicant's amendment and arguments, see pages 1-5, filed on March 1, 2006, with respect to the rejections of claims 2-3, 5-7, 9-11, 14, 16, 21-22, 27-28, 33-34 under 35USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground of rejection is made in view of Di Giulio et al..

Conclusion

7. Claims 2-3, 5-7, 9-11, 14, 16, 21-22, 27-28, 33-34 are rejected. Claims 4, 8, 12-13, 15, 17-20, 23-26, 29-32, 35 are objected.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Raymond Phan, whose telephone number is (571) 272-3630. The examiner can normally be reached on Monday-Friday from 6:30AM- 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Primary, Paul Myers can be reached on (571) 272-3639 or via e-mail addressed to paul.myers@uspto.gov. The fax phone number for this Group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [raymond.phan@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 central telephone number is (571) 272-2100.

RP



MARK H. RINEHART
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Raymond Phan
May 8, 2006